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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,116	02/28/2005	Martin Vossiek	S1-02P13106	8531

24131 7590 06/12/2008

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EXAMINER	
BROWN, VERNAL U	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,116	VOSSIEK, MARTIN	
	Examiner	Art Unit	
	VERNAL U. BROWN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 23-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 23-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on 2/14/08.

Response to Amendment

The examiner acknowledges the amendment of claims 24

Response to Arguments

Applicant's arguments with respect to claims 12-20, 23-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Patent 6745008 in view of Watters et al. US Patent 6806808.

Regarding claim 12, Carrender teaches a transponder converting ambient energy into energy for powering the transponder and the tag reflecting the received energy (col. 4 lines 22-33). Carrender teaches splitting the received signal into a first and second alternating quantity (first and second frequency) used for modulating the data stored in the tag (col. 4 lines 44-52). Carrender teaches the first and second alternating quantity is influence by a measured quantity of

the frequency generated by the frequency generators (col. 5 lines 16-20). Carrender et al. is silent on teaching the device is configured to measured a measured quantity. Watters in an analogous art teaches a transponder configured to measure a quantity such as temperature and generating a frequency influence by the measure quantity(col. 5 lines 46-65, col. 6 lines 7-16).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors that are used to monitor and record physical event and further report the occurrence of an event to an interrogator.

Regarding claim 13, Carrender teaches the reflector is a reflector for electromagnetic energy (col. 4 lines 29-32).

Regarding claim 14, Carrender teaches the use of high frequency signal (col. 2 lines 1-5).

Regarding claim 15, Carrender teaches an antenna 80 is connected to a converter 88 (figure 6).

Regarding claim 16, Carrender et al. teaches backscattering the response (col. 4 lines 22-33).

Regarding claim 23, Carrender teaches a first and second generator (68, 70, 72) for generating an alternating quantity (col. 5 lines 12-20).

Regarding claim 17, Carrender et al. is silent on teaching the device is configured to measured a measured quantity. Watters in an analogous art teaches a transponder configured to measure a quantity such as temperature (col. 5 lines 46-65, col. 6 lines 7-16).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors that are used to monitor and record physical event and further report the occurrence of an event to an interrogator.

Regarding claims 18-20, Carrender is silent on teaching the converter converts the ambient energy into alternating energy in the dependence on a measured quantity. Watters in an analogous art teaches a transponder configured to measure a quantity such as temperature (col. 5 lines 46-65, col. 6 lines 7-16) and teaches converting a measured quantity such as temperature into an alternating quantity such as frequency (col. 9 lines 31-col. 10 line 16).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Watters because wireless devices such as transponder associated with sensors that are used to monitor and record physical event and further report the occurrence of an event to an interrogator.

Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Patent 6745008 in view of Smith et al. US Patent 6841981.

Regarding claim 24, Regarding claim 24, Carrender teaches a transponder converting ambient energy into energy for powering the transponder and the tag reflecting the received energy (col. 4 lines 22-27). Carrender teaches splitting the received signal into a first and second alternating quantity (first and second frequency) used for modulating the data stored in the tag (col. 4 lines 44-52). Carrender teaches the first and second alternating quantity is influence by a measured quantity of the frequency generated by the frequency generators (col. 5 lines 16-20). Carrender et al. is silent on teaching using the first and second alternating quantity to modulate a

first and second reflector. Smith et al. teaches a transponder device using a first and second reflector (100, 102) performing backscatter at a selected frequency (col. 4 lines 12-18).

It would have been obvious to one of ordinary skill in the art to using the first and second alternating quantity to modulate a first and second reflector because the reflector as disclosed by Carrender et al. uses a first and second alternating quantity to modulate the reflector which represents an alternative to modulating a first and second reflector at a first and second alternating quantity.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carrender et al. US Patent 6745008 in view of Starkey US Patent 6417766.

Regarding claim 25, Carrender teaches a transponder converting ambient energy into energy for powering the transponder and the tag reflecting the received energy (col. 4 lines 22-27). Carrender teaches splitting the received signal into a first and second alternating quantity (first and second frequency) used for modulating the data stored in the tag (col. 4 lines 44-52). Carrender is silent on teaching a first filter for splitting the original alternating quantity into a first alternating quantity and second filter for splitting the original alternating quantity into a second alternating quantity and using the first and second alternating quantity to modulate a first and second reflector.. Starkey in an art related radio frequency device teaches obtaining a first and second alternating quantity from the original alternating quantity using a first and second filter (figure 6, col. 6 lines 6-25) in order to recover a signal at a desired frequency. Smith et al. teaches a transponder device using a first and second reflector (100, 102) performing backscatter at a selected frequency (col. 4 lines 12-18).

It would have been obvious to one of ordinary skill in the art to modify the system of Carrender et al. as disclosed by Starkey because a filter is conventional used to pass a desired frequency and block out unwanted frequencies and using a first and second alternating quantity to modulate the reflector represents an alternative to modulating a first and second reflector at a first and second alternating quantity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612